

In re Application of: Gil LEVY
Serial No.: 10/574,372
Filed: December 1, 2006
Office Action Mailing Date: September 9, 2010

Examiner: GILBERT Samuel G.
Group Art Unit: 3735
Attorney Docket: **44177**
Confirmation No.: 2266

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-48 are in this Application. Claims 1-8, 13-20, 25-34, 39, 42 and 46 have been rejected under 35 U.S.C. § 102.

Claims 10, 17, 22, 25, 33, and 36 have been canceled herewith. Claims 1, 13, 20, 21, 26, 34, 35, 37, and 39 have been amended herewith. New claims 49 and 50 have been added herewith.

Amendments To The Claims

The Examiner stated that: "Claims 9-12, 21-24, 35-38, 40, 41, 43-45, 47 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Applicant has cancelled claim 10 without prejudice, and has amended claim 1 to include the limitation of claim 10: "a connecting element, comprising an elastic material". Since the Examiner has stated that claim 10 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims", Applicant deems amended claim 1 to be allowable. Applicant also deems claims 2-9, 11 and 12, which depend from amended claim 1, to be allowable.

Applicant has cancelled claims 17 and 22 without prejudice, and has amended claim 13 to include the limitation of claim 17: "wherein said frame comprises: a first arm; a second arm; and a connecting element, connecting said first arm and said second arm," and the limitation of claim 22: ", comprising an elastic material". Since the Examiner has stated that claim 22 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims", Applicant therefore deems amended claim 13 to be allowable. Applicant also deems

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claims 14-16, 18-21, 23, and 24, which depend from amended claim 13, directly or indirectly, to be allowable.

Applicant has cancelled claims 25, 33 and 36 without prejudice, and has amended claim 26 to include the preamble of claim 25: "A sutureless implantable device for supporting a pelvic organ", the limitation of claim 33: "wherein said frame comprises: a first arm; a second arm; and a connecting element connecting said first arm and said second arm", and the limitation of claim 36: "comprising an elastic material". Since the Examiner has stated that claim 36 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims", Applicant therefore deems amended claim 26 to be allowable. Applicant also deems claims 27-32, 34, 35, 37, and 38, which depend from amended claim 26, directly or indirectly, to be allowable.

Applicant has amended claim 39 to include the limitation of apparatus claims 10, 22, and 36: "wherein said frame comprises: a first arm; a second arm; and a connecting element, comprising an elastic material, connecting said first arm and said second arm.", which the Examiner indicated is allowable, into method claim 39. Applicant therefore deems amended claim 39 to be allowable. Applicant also deems claims 40-48, which depend from amended claim 39, directly or indirectly, to be allowable.

New claim 49 finds support, *inter alia*, in paragraph [0007] of the published US patent application.

New claim 50 finds support, *inter alia*, in paragraphs [0033] and [0035] of the published US patent application.

Applicant notes that the Examiner rejected claims in this application under 35 U.S.C. 102(b) as being anticipated by Popper (US patent 2,391,343), and that Popper does not teach the limitation of new claims 49 and 50: "wherein said space is provided by surgery".

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Conclusion

In view of the above amendments and remarks it is respectfully submitted that claims 1-9, 11-16, 18-21, 23, 24, 26-32, 34, 35, 37-50 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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Enclosures:

- Petition for Extension (One Month)